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April 2, 2024

**VIA ECF / E-MAIL:**

Magistrate Judge Lois Bloom  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

RE: *In re: New York City Boat Tours, LLC and Edward Mattiace, et al.*  
USDC : EDNY; Index No.: 22-CV-7383  
Our File No.: 10000720

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The Honorable Lois Bloom:

We are the attorneys for Petitioners in the above-captioned action and write this joint status report on behalf of all parties and pursuant to Your Honor's Order of February 7, 2024. We have obtained a copy of the United States Coast Guard "Report of the Investigation into the Collision between Marine 1 Bravo and the Uninspected Passenger Vessel Honcho with Loss of Life on June 17, 2022" and completed the depositions of the two vessel operators, Petitioner Edward Mattiace (operator P.V. "Honcho") and Claimant Thomas Waller (operator "Marine 1 Bravo"). The Coast Guard Investigation Report and the deposition of the two vessel operators have elucidated the issues of proportionate fault in this maritime collision case to the point that the parties have now agreed to seek authority to submit the matter to private mediation and to seek a revision of the Court's scheduling order to stay all further discovery until after completion of the mediation. Given that the parties have not yet agreed upon a mediator, nor received the full medical and financial disclosure from Claimant's Heidi Vermandel and The Estate of Johnny Beernaert, the parties will be seeking an extension of time at the telephone conference with Your Honor for April 9, 2024, to complete any outstanding discovery in the event the mediation is not successful.

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Respectfully submitted,

NICOLETTI HORNIG & SWEENEY

By: */s/ John J. Hession*

John J. Hession

JJH/mm

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